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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,256	02/18/2004	James Francis Plusquellic	P 1087.14002	4995
30615	7590	07/18/2005	EXAMINER	
BIRDWELL & JANKE, LLP 1100 SW SIXTH AVENUE SUITE 1400 PORTLAND, OR 97204			RAYMOND, EDWARD	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,256

Applicant(s)

PLUSQUELLIC, JAMES FRANCIS

Examiner

Edward Raymond

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 35 and 40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 18, 34, 36 and 37 is/are rejected.
- 7) ☒ Claim(s) 4-17, 19-33, 38 and 39 is/are objected to.
- 8) ☒ Claim(s) 35 and 40 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>20050711</u> . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20040218</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. **Claims 1-34 and 36-39**, drawn to a method for testing an integrated circuit, classified in class 702, subclass 117.
 - II. **Claim 35**, drawn to a method for reducing the effect of contact resistance from test probe connections, classified in class 702, subclass 104.
 - III. **Claim 40**, drawn to an integrated circuit, classified in class 438, subclass 106.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of Group I has separate utility such as an oscilloscope, while Group II has the specific application of testing and calibrating an array of integrated circuits. See MPEP § 806.05(d).
3. Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are a method for testing an integrated circuit and an integrated circuit.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. During a telephone conversation with Bill Birdwell on July 9, 2005 a provisional election was made without traverse to prosecute the invention of Group, claims 1-34 and 36-39. Affirmation of this election must be made by applicant in replying to this Office action. Claims 35 and 40 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-3, 18, 34, 36 and 37** are rejected under 35 U.S.C. 102(b) as being anticipated by Binkley et al.

Binkley et al. teach a method for testing an integrated circuit having a power grid and a plurality of ordered connections to the power grid (Claims 1 and 36: see col. 4, lines 31-39), comprising: applying a time-varying input signal to the integrated circuit (Claims 1 and 36: see Figure 2); measuring power signals produced at a plurality of respective ordered connections in response to the input signal (Claims 1 and 36: see col. 4, lines 47-65); identifying from the power signals so measured one or more defects in the integrated circuit (Claims 1 and 36: see col. 6, lines 53-63).

Art Unit: 2857

Binkley et al. teach a method wherein at least that portion of the integrated circuit to be tested comprises a digital circuit (Claims 2: see col. 6, lines 18-38).

Binkley et al. teach a method wherein the time-varying input signal comprises a time varying vector of logic inputs (Claim 3: see col. 6, lines 18-38).

Binkley et al. teach a method wherein the measuring signals comprises measuring currents (Claim 18: see col. 6, lines 47-51).

Binkley et al. teach further comprising determining from the power signal measurements the location of the one or more defects so identified (Claim 34: see col. 8, lines 4-21).

Binkley et al. teach a system wherein the data processor determines whether the integrated circuit is defective by identifying from the power signal measurements one or more potential power signal anomalies, and evaluating the power signal anomalies to determine whether they are due to a defect in the integrated circuit (Claim 37: see col. 6, lines 53-63).

Allowable Subject Matter

8. **Claims 4-17, 19-33, 38, and 39** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

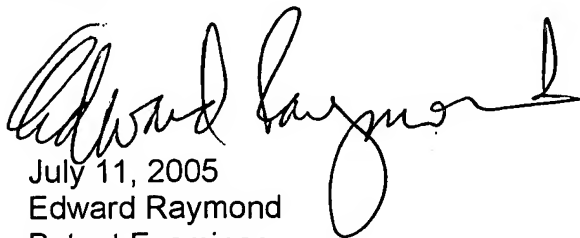
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Raymond whose telephone number is 571-272-

Art Unit: 2857

2221. The examiner can normally be reached on Monday through alternating Friday between 8:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-2221 for regular communications and 571-272-1562 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

A handwritten signature in black ink, appearing to read "Edward Raymond", with a long horizontal flourish extending to the right.

July 11, 2005
Edward Raymond
Patent Examiner
Art Unit 2857